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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 1346/2015 & CM 35024/2016

COURT ON ITS OWN MOTION (AIR POLLUTION IN DELHI)

..... Petitioner

Through Mr Kailash Vasdev, Sr. Adv. with Mr
Sumer Singh Sandhu, Ms Divija
Rajkhowa & Mr Umrao Singh Rawat,
Advs. for Amicus Curiae.

versus

UNION OF INDIA & ORS

..... Respondents

Through Mr Sanjay Poddar, Sr. Adv. with Mr
Ajjay Aroraa, Ms Diksha Lal & Ms
Surbhi Gupta, Advs. for SDMC.
Mr Anil Grover, Standing Counsel with
Mr Nishal Vij, Ms Kanika Singh, ASC &
Mr Rishi Vohra, Advs. for NDMC.
Mr Puneet Taneja, Adv. with Ms
Shaheen, Adv. for NTPC.
Mr Pawan Mathur, St. Counsel with Mr.
R.R. Sharma, Dy. Director for DDA.
Mr Ajay Digpaul, CGSC with Ms
Mohita, Adv. for UOI.
Mr Asheesh Jain, Adv. with Mr Avtar
Gill, Adv. for State of Punjab.
Mr Gaurang Kanth, Adv. with Mr
Mohanjit Singh, Adv. for EDMC.
Mr Anil Mittal, Adv. with Ms Komal
Aggarwal, Adv. for State of UP.
Mr Sanjeev Ralli, Adv. with Mr Ravin
Kapur & Mr Trinayan Sonowal, Advs.
for DPCC.
Ms Avnish Ahlawat, Adv. with Ms
Latika Chaudhary, Adv. for DTC.
Mr Abhishek Paruthi, Adv. for CPCB.
Mr Vivek Goyal, CGSC with Ms
Namisha Gupta, Adv. for UOI.
Insp. Akhilesh Mishra, TI/Legal Cell
Traffic.

SI Ram Tirath Pairvi Officer Traffic.

CORAM:

HON'BLE MR JUSTICE BADAR DURREZ AHMED

HON'BLE MR JUSTICE ASHUTOSH KUMAR

ORDER

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01.12.2016

We have called the three commissioners of the Municipal Corporations of Delhi to understand as to why the landfill sites are not operating in the manner they should and as to why the garbage collection and disposal is not in line with the solid waste management rules, 2016.

After detailed discussion and interaction with the said commissioners, we are of the view that each of the commissioners should file an affidavit indicating their plans of action for implementing the solid waste management rules both with regard to the segregation, garbage collection and disposal of the same either through recycling measures or through utilisation in waste-to-energy plants and placing the residual waste in the landfill sites. They shall also indicate their plans of action for managing the landfill sites which, admittedly, have come up in an unscientific manner. They should also indicate clearly as to what they are proposing to do with regard to the gas collection system at the landfill sites which are one of the major concerns from the stand point of air pollution.

It has been pointed out to us that one way to utilise the solid waste is to divert the same to waste-to-energy plants. At present, there are waste-to-energy plants: at Okhla, Gazipur, Narela and Bawana which are operational. Their capacities of intake of waste are 2000 metric tonnes, 1300 metric tonnes and 1800

metric tonnes respectively. We are informed by Mr Mehra, who represents the Government of NCT of Delhi that the waste-to-energy plants at Okhla and Gazipur could be enhanced by further 1000 metric tonnes and 700 metric tonnes, respectively. We are also informed that the Narela-Bawana waste-to-energy plant which is under the control of the North Delhi Municipal Corporation can also be enhanced to intake a further 2000 metric tonnes of waste.

Mr Rahul Mehra also points out that a waste-to-energy plant is proposed to be set up at Rajghat which would ensure the intake of 2000 metric tonnes of waste in the first phase and a further 2000 metric tonnes in the second phase and the first phase would take about two years and the second phase would take an additional two years. Similarly, it has been said that there is a waste-to-energy plant which has been planned at Bhalswa having a capacity of intake of 2000 metric tonnes. It was proposed that some land could be released by NTPC at the Badarpur Thermal Power Station and for this reason we had added NTPC as a party respondent. The learned counsel for the NTPC points out that the land owner is the Government of India. Mr Goyal who is present on behalf of the Government of India seeks some time to take instructions in this regard.

Another aspect which needs mention here is that the East Delhi Municipal Corporation which is responsible for the landfill site at Gazipur has planned that the waste lying at the landfill site could be utilised for road building by NHAI.

In fact, the learned counsel for the East Delhi Municipal Corporation informs us that an MOU has already been signed with NHAI for utilising the waste

at the Gazipur landfill site for the purposes of widening of NH24. It is submitted by him that this would result in virtually utilising the entire waste at the landfill site and that after the same is utilised the entire land would have been reclaimed. It is submitted that this would take about two years. The learned counsel for NHAI shall also take instructions as to whether the waste lying dumped at the other landfill sites could also be utilised for any of its projects.

The commissioners shall also, in their affidavits, indicate as to whether they have carried out the directions of this Court with regard to removing of rubble /debris lying along side roads, on parks and on other public places in Delhi. Full details of the exercise undertaken by them shall be filed along with their affidavits including photographs.

Renotify on 15.12.2016 at 02:15 p.m.

The State of UP shall file their affidavit positively before the next date of hearing. On the next date also, the three commissioners be present before the Court.

Copies of the order be given dasti under the signature of the Court Master.

BADAR DURREZ AHMED, J

ASHUTOSH KUMAR, J

DECEMBER 01, 2016
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